

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	Chapter 7
)	
ONE JET, INC.,)	Case No.: 18-24070-GLT
)	
Debtor.)	
)	
<hr style="width: 30%; margin-left: 0;"/> WOODY PARTNERS, ET AL.,)	
)	Adv. Pro. No.: 19-02134-GLT
Plaintiffs,)	
)	
v.)	
)	
MATTHEW R. MAGUIRE, ESTATE)	
OF PATRICK J. MAGUIRE,)	
BOUSTEAD SECURITIES, LLC,)	
MELVIN PIRCHESKY, AND ROBERT)	
LEWIS.)	
)	
Defendants.)	

**MOTION TO MODIFY PHASE II PRETRIAL ORDER
AND AMEND ANSWER TO PLEAD RELEASE**

Defendants, Matthew R. Maguire and The Estate of Patrick J. Maguire (“the Maguires”), by and through their undersigned counsel, file the following Motion to Modify Phase II Pretrial Order and Amend Answer to Plead Release, and in support thereof aver as follows:

1. This is an adversary proceeding by investors in a failed regional airline alleging claims under the Pennsylvania Securities Act and the common law against parties allegedly liable for their investment losses.

2. The Maguires filed their Answers to Plaintiffs’ Amended Complaint on June 23, 2020. (Documents 357 & 358).

3. Co-Defendant Boustead Securities, LLC, filed its Answer to Plaintiffs' Amended Complaint on June 22, 2020. (Document 356). Boustead's Answer includes cross-claims against the Maguires for contribution and common law indemnity.

4. Co-Defendant Melvin Pirchesky filed his Answer to Plaintiffs' Amended Complaint on June 22, 2020. (Document 354). Pirchesky's Answer includes cross-claims against the Maguires for contribution and common law indemnity.

5. Pirchesky himself filed for bankruptcy protection on or about December 9, 2020.

6. Co-Defendant Robert Lewis filed his Answer to Plaintiffs' Amended Complaint on June 22, 2020. (Document 355). Lewis' Answer does not include any cross-claims.

7. On July 13, 2020, the Maguires filed Answers to the cross-claims of Boustead and Pirchesky. (Documents 365-368).

8. On August 25, 2020, this Court entered its Phase II Pretrial Order, in which it set a number of deadlines applicable in this adversary proceeding. (Document 395). Among other things, the Court stated at paragraph 4 of its Order that the deadline for amending pleadings had closed.

9. On or about June 23, 2021, Plaintiffs and the Maguires executed a Settlement Agreement and Pro Rata Release resolving their differences ("the Release").

10. By separate Motion, Plaintiffs have sought leave of court to file the Release under seal and serve it on the Co-Defendants.

11. Federal Rule of Civil Procedure 16 applies in this adversary proceeding. Fed.R.Bank.P. 7016.

12. Federal Rule of Civil Procedure 15 applies in this adversary proceeding. Fed.R.Bankr.P. 7015.

13. The Maguires now seek leave of court to modify the Phase II Pretrial Order so that it may plead the Release.

14. The Maguires have good cause to modify the Phase II Pretrial Order and have acted diligently. The affirmative defense of release was not available until June 23, 2021, when the last of the Plaintiffs and the Maguires executed the Release.

15. Once the Phase II Pretrial Order is modified, the Court should grant the Maguires leave to amend their Answers to plead the affirmative defense of release, because leave to amend to assert an affirmative defense should be freely granted.

WHEREFORE, Defendants, Matthew R. Maguire and The Estate of Patrick J. Maguire (“the Maguires”), by and through their undersigned counsel, respectfully request an Order modifying the Phase II Pretrial Order permitting them to amend their Answers to plead the Release. An appropriate Order is attached. A supporting Brief has been separately filed.

STRASSBURGER McKENNA
GUTNICK & GEFSKY

Date: June 24, 2021

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